

Remarks

The Office Action requires election of a single invention for prosecution on the merits. The Examiner considers the pending claims to be directed to the following patentably distinct inventions under 35 USC §121:

Invention I, claims 1-11, drawn to a frame device; and

Invention II, claims 12-20, drawn to a battery assembly for mounting in a shelved rack.

Without commenting on or admitting the propriety of the Restriction Requirement, Applicant hereby elects Invention II (claims 12-20) without traverse for prosecution in the above-identified application.

Applicant believes that the application is in condition for immediate examination and allowance of Claims 12-20. If any issue remains unresolved, however, Applicant's attorney welcomes the opportunity for a telephone interview to expedite examination, allowance and issue.

Respectfully submitted,



C. Robert Rhodes

Registration No. 24,200

Womble, Carlyle, Sandridge, & Rice PLLC

P.O. Box 7037

Atlanta, GA 30357-0037

(336) 574-8040

Date: 2-18-08

Attorney Docket No.: D1243 1010.1 (01243.0133.5)